

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAMACEON FISCHER,
DOMINIQUE FORNEY, and EZEKIEL SYKES,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TONYA SUE FISCHER-BENNETT,

Respondent-Appellant,

and

RAMON JOSE RODRIGUEZ and MICHAEL
DOMINIC FORNEY,

Respondents.

UNPUBLISHED

June 18, 2009

No. 289076

Kent Circuit Court

Family Division

LC No. 07-052675-NA

Before: Jansen, P.J., and Hoekstra and Markey, JJ.

MEMORANDUM.

Respondent-appellant appeals by right the circuit court's order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

The circuit court did not clearly err by finding that the statutory grounds for termination had been established by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). The record supported termination of respondent-appellant's parental rights under subsection (3)(c)(i), given that respondent-appellant was in no better position to assume custody of the children at the time of termination than she had been at the time of adjudication and there was no indication that the conditions would be alleviated within a reasonable time. At the time of adjudication, respondent-appellant lacked employment, sufficient income, and stable housing. In addition, she was continually involved in physically abusive relationships. At the time of termination, respondent-appellant had only just become employed, still lacked stable housing, and was continuing a relationship with her physically abusive partner. The circuit court, therefore, did not err by finding that the conditions that led to

adjudication had not been alleviated and there was no indication that they would be alleviated within a reasonable time. MCL 712A.19b(3)(c)(i). For the same reasons, the record also supported termination of respondent-appellant's parental rights under MCL 712A.19b(3)(g). The record is devoid of any evidence showing that respondent-appellant was ready and able to provide proper care for the children, and the evidence strongly indicated that children would not be safe in her home.

We find no error in the circuit court's determination that termination was in the best interests of the children. MCL 712A.19b(5); see also *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). We also reject respondent-appellant's contention that petitioner did not make reasonable efforts to rectify the conditions that led to removal of the children under MCL 712A.18f. Numerous services were offered to respondent-appellant, including domestic violence counseling. Respondent-appellant only reluctantly engaged in this counseling, and her failure to benefit from the counseling cannot now be used to demonstrate that the services were inadequate.

Affirmed.

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

/s/ Jane E. Markey